

in terms of coverage and tens of millions more in terms of protection.

He said that the Affordable Care Act would “lead to the rationing of healthcare.” He has personally advocated for abolishing the Department of Education, and he used false, unfounded claims of voter fraud to support voter ID laws that disproportionately affect low-income voters and communities of color.

Second, Kenneth Lee was confirmed over the objections of both California Senators, Senator HARRIS and Senator FEINSTEIN—Senator FEINSTEIN, in this case, being the ranking member of the Judiciary Committee, the very committee that considers judges. Mr. Lee has a litany of writings that include offensive statements about immigrants, people of color, and LGBT Americans. He has strongly opposed affirmative action policies that help make our institutions of higher learning more diverse, and it is very possible that he may consider matters relating to these policies as a member of the Ninth Circuit.

Finally, Wendy Vitter has virtually no Federal trial court experience, has a long record of opposing contraception, and has promoted false information about the safety of oral contraceptives. These views are not only outside of the mainstream—the judicial or legal mainstream—but they are also not supported by science.

I don’t believe these nominees will be able to set aside their personal views and apply relevant precedent, and my concern is compounded by recent efforts by conservative jurists to overturn longstanding precedents. Most Americans thought that the Voting Rights Act, which for decades protected the franchise for Americans of color, particularly Black Americans, was a foundational, almost untouchable statute. But in 2013, the conservative majority of the Supreme Court, which has gotten only more conservative, moved to the right even more. That Court, the Supreme Court, gutted the protections of the Voting Rights Act in the *Shelby County v. Holder* case.

Just last year, in the *Janus* decision, the Supreme Court overturned a four-decades-old precedent in the *Abood* case that allowed public sector unions to collect nonpolitical, so-called fair share fees to cover the costs of negotiations that benefit all workers. So you have the union doing the work, and the law allowed them, for four decades, to charge other employees who benefit from the work of the union, and the Supreme Court struck that down.

Pennsylvania passed a similar law in the 1980s, which has been the law of the land in Pennsylvania for years. It was signed into law in the late 1980s by my father when he was serving as Governor, so that is an important issue in Pennsylvania for working men and women.

The conservative majority of the Supreme Court overturned the *Abood*

case, eviscerating a precedent that was relied upon by public sector unions and their governmental employers all over the country. I believe the next step by the far right and by this court and maybe by the Supreme Court and maybe in another court would be to make illegal the very right to organize for wages and benefits. I hope I am wrong about that, but I believe that is the logical next step for the right.

Just this week, a conservative majority of the Supreme Court overturned a 40-year precedent regarding States’ sovereign immunity in the courts of other States. In the last line of his dissent, Justice Breyer sounded alarm bells about this kind of judicial activism from the right, saying: “Today’s decision can only cause one to wonder which cases the court will overrule next.”

He is right. We no longer know what is civil law and what could be up for debate. We thought that *Abood* was settled law in the context of labor unions and the right to organize or an issue related to the right to organize. We thought the Voting Rights Act was settled law.

This week we mark the 65th anniversary of *Brown v. Board of Education*, a unanimous Supreme Court decision holding that segregation in our public school system, in addition to being a profound moral failure, was a violation of our Constitution. I would hope—we all would hope that *Brown v. Board of Education* would remain rock solid settled law. Yet, because of what we have seen in the last couple of years with this Court, we must stay vigilant. We cannot let civil rights that Americans fought for and earned and have cherished for decades be chipped away by extreme judicial nominees who hold insuperable political and policy preferences.

I oppose the nominees that the Senate has considered this week, and I will continue to oppose extreme nominees to our Federal courts.

I yield the floor to the distinguished Democratic leader.

RECOGNITION OF THE MINORITY LEADER  
The PRESIDING OFFICER. The Democratic leader is recognized.

#### HEALTHCARE

Mr. SCHUMER. Madam President, I thank my colleague Senator CASEY for, as usual, his thoughtful, erudite, on-the-money remarks—this time about judges. I am going to talk about that in a minute.

We see something happening here. We see State after State trying to repeal *Roe*. When we ask our Republican colleagues directly “Do you want to appeal *Roe*?” they are usually silent. Their votes on judges say they do, and that is what they are doing. The voters should hold them accountable. I will get to that more in a minute, but I wanted to follow up on the remarks about judges by my good friend from Pennsylvania.

#### IMMIGRATION

Madam President, yesterday, the Trump administration released the

outlines of its plan for immigration reform. Truth be told, the reported White House plan isn’t a serious attempt at immigration reform. If anything, it is a political document that is anti-immigration reform. It repackages the same partisan, radical, anti-immigrant policies that the administration has pushed for 2 years, all of which have struggled to earn even a simple majority in the Senate, let alone 60 votes. The hands of Stephen Miller are all over this plan, and, of course, he had a watchful eye when other administration officials came into the Republican lunch yesterday and talked about it.

The plan they put together holds immigration precisely at current levels, meaning that for every new immigrant the plan potentially lets in, it must kick one out. What kind of logic is that? What kind of harebrained logic is that—the idea that for every immigrant you help you have to hurt another? How arbitrary. How simplistic. How cruel. It is like the Procrustean bed of immigration policy.

We need immigrants in America. Our labor force is declining. If you go to businesses at the high end, the middle end, and the low end, they say their greatest problem is a lack of workers. And we come up with a policy like this? Make no mistake about it. It is cruel and inhumane, but it also hurts our economy significantly. If you don’t believe me, talk to business leaders—any business leader you know.

Shockingly, the White House’s immigration proposal fails to deal with Dreamers or the 11 million undocumented immigrants now living in the United States. The White House Press Secretary said Dreamers were “left out on purpose.” What does that say about the administration? That goes to the root of what is wrong with this administration’s approach to immigration. If they think they can repeat what they failed to do in the past, if they try to repeat it, saying “OK, we will let Dreamers in, but you accept a whole lot of bad things,” which is why immigration reform failed last time, last year, it ain’t happening. It ain’t happening.

I would say two things. If you are going to do major immigration reform through Congress, you are going to need bipartisan support. That means you sit down and talk to Democrats. Four of us on the Democratic side and four of us on the Republican side in the Gang of 8 spent hours and weeks and months together and carved together a bill that got overwhelming support from Democrats and Republicans in this Chamber and was overwhelmingly supported by the American people and still is. I think 68 percent still support comprehensive immigration reform.

But what does the White House do? Typically, they put together their own plan—Stephen Miller, chief cook and bottle washer—and they say that Democrats should support this. Ain’t happening.